

To: Helmlinger, Andrew[Helmlinger.Andrew@epa.gov]
Cc: Richard Curley[rcurley@curleylegal.com]; Johnson, Jere[Johnson.Jere@epa.gov]
From: Lucari, James L
Sent: Mon 7/29/2013 7:59:45 PM
Subject: Re: FMS work at former Arimetco OU at Anaconda Mine

Andrew; Thanks for your note, Coincidentally, Rich and I will be together with Brian later this week, so we should be able to confirm the payment schedule and whether any acceleration of that payment is possible. Also, you should be aware that Lina Tanner has moved into a new role and that Cassandra Joseph has replaced Lina as the NVAG contact for this matter. Rich and I are already working with Cassandra to develop an appropriate agreement to document our funding commitment. Your suggestion of a call sounds like a good idea. Rich or me will get back to you later this week to see about setting that up.

Sent from my iPhone

On Jul 29, 2013, at 2:20 PM, "Helmlinger, Andrew" <Helmlinger.Andrew@epa.gov> wrote:

Jim and Rich,

I understand that Mike Montgomery and ARC's senior folks have been talking (Brian, I believe) and worked out an arrangement for sharing costs associated with improvements to the former Arimetco FMS to get us all through this winter (and hopefully beyond). SPS's contribution to the pending action is, I understand, providing suitable flat land for locating two new fluid ponds. EPA is contemplating an Action Memorandum to memorialize its half of the expectations, which would serve as the administrative selection of the response and obligate EPA's end of the funding. The reality is that our funding would come from the special account that we anticipate will be replenished by the pending response cost AOC for costs associated with other OUs. EPA is in an unfortunate position of not being able to finalize the AM without an understanding of when the AOC payment may occur, which brings me to raise two questions for you. First, it is my understanding that the AOC is in ARC's signature chain, but if you can suggest any estimation on signature date, it would aid EPA's consideration of the AM. Second, to the extent that ARC could advance payment on the AOC to any degree more expeditiously than the 30 days provided in the pending AOC, it also would expedite our advancement of the FMS response.

It also is my understanding that both ARC and EPA will be funding the FMS for implementation through NDEP. I do not know how or when NDEP needs money in hand to start the work, but to ensure that we do not miss the construction season, perhaps a call among us and Lina Tanner would help resolve expectations (and perhaps assumptions). I look forward to hearing back from you, and yet another cooperative action at the site.

J. Andrew Helmlinger

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